

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES O'NEIL WIGGIN,

Plaintiff,

v.

RN MALONE, RN WRIGHT, RN
JUDGE, RN SKINNER, RN CRANE, RN
TRIESCH, RN BROWN, CUS SWAIN,
SGT. JOLLY, SGT. SULTIMIER, RN
MAZE, RN BROWER, RN NGO, CC3
ROLKO, and CO EVANS,

Defendant.

CASE NO. C13-6016 RJB-KLS

ORDER STAYING DISCOVERY

This matter has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72. The case is before the Court upon Defendants' motion for a protective order regarding discovery. Dkt. 30. After reviewing Defendants' motion, Plaintiff's response, (Dkt. 32), Defendants' reply, (Dkt. 35), and the balance of the record, the Court finds and ORDERS as follows:

"Until this threshold immunity question is resolved, discovery should not be allowed." *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). Qualified immunity is "*immunity from suit* rather than a mere defense to liability." *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)(italics in original).

1 Plaintiff's argument that he needs discovery to respond to the pending summary
2 judgment motion, (Dkt. 32, p. 2), is unavailing given the clear direction from the Supreme Court
3 regarding the parameters of qualified immunity. Plaintiff's contention that the qualified
4 immunity discovery bar only applies to "voluminous discovery that will interfere with
5 government duties," (Dkt. 32, p. 2), is simply incorrect. *See, Harlow*, 457 U.S. at 818. In
6 addition, Plaintiff's assertion that his discovery requests are minimal is directly contradicted by
7 review of his requests for production of documents and interrogatories where he requests copies
8 of entire files and in depth dissertations regarding details of his medical care. Dkt. 35, Exhibit 1,
9 Attachment A.

10 Accordingly, Defendants' motion for a protective order precluding discovery until 30
11 days after the District Court has ruled on the currently pending motion for summary judgment is
12 **Granted.**

13 The Clerk is directed to send a copy of this Order to Plaintiff.

14 Dated this 8 day of April, 2014.

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17 Karen L. Strombom
United States Magistrate Judge
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